

ZONING BOARD OF REVIEW

Barrington, Rhode Island

February 16, 2012

APPLICATIONS: #3658, 3659, 3660, 3661 and 3662

MINUTES OF THE MEETING:

At the call of the Chairman, Thomas Kraig, the Board met with Paul Blasbalg, Peter Dennehy, Mark Freel, Ian Ridlon, Dave Rizzolo and Stephen Venuti.

Also present was solicitor Andrew Teitz and Building Official Robert Speaker.

At 7:08 P.M. Mr. Kraig opened the meeting and the Board proceeded to hear the following matters. At 8:35 P.M. the public participation portion of the meeting was closed and the Board proceeded to deliberate and vote on applications it had heard

Continuation of application #3658, Timothy and Jill Lukens, 291 Narragansett Avenue, Barrington, RI 02806, applicants and owners, for permission to construct an 8' x 8' shed and a 6' x 4'7" shed; Assessor's Plat 1, Lot 289, R-10 District, 291 Narragansett Avenue, Barrington, RI 02806, requiring a dimensional variance for a sheds within 5' of the primary structure, sheds within the side yard setback,

as well as for exceeding lot coverage.

Mr. Kraig read into the record a request from Mr. Lukens to continue this matter to March.

MOTION: Upon a motion by Mr. Venuti, with a second by Mr. Ridlon, the Board voted unanimously (5-0) to continue this application to the March 15, 2012 meeting.

Continuation of application #3659, Gregory J. Snider, 217 Angell Street, Providence, RI 02906, applicant, Chandler K. Willett, 2 Angell Street, Suite 3, Providence, RI 02903, owner, for permission to add new living room, screened porch, master bath, gable, portico and enlarge garage; Assessor's Plat 10, Lot 90, R-40 District, 2 Hoffman Lane, Barrington, RI 02806, requiring dimensional relief for front and rear yard setbacks.

Before this matter began, Mr. Blasbalg disclosed he had had a one-time, lawyer-client relationship with the applicant's attorney, Mr. Cox.

Present: Chandler Willett, 2 Angell Street, Suite 3, Providence, RI
Bruce Cox, attorney, Sleprow, Sleprow & Associates, East Providence, RI

Gregory Snider, architect, 217 Angell Street, Providence, RI
David Butera, contractor, 425 Maple Avenue, Barrington, RI

There was no one in the audience to speak for or against this application.

Prior to the hearing, the Board had received a substantially revised plan from the applicant, which now requires only relief from the front yard setback requirement.

The applicants explained that since the January meeting they had met with the abutting neighbor who had some concerns regarding their original plans. Between those concerns and the concerns raised by the Board, they decided to revamp their proposal. The new proposal eliminates the proposed garage addition. The porch addition will be 17' x 22' and is located in such a way as to provide balance to the house as well as preserve the rear windows to allow for emergency egress from the second floor.

The applicants explained that a screened porch was a necessity for the family to be able to enjoy the yard while providing protection from the sun as well as protection from mosquitoes and diseases they may carry. There will be no change to the garage.

MOTION: Mr. Freel moved to grant this application. Mr. Rizzolo seconded the motion and it carried unanimously (5-0).

DISCUSSION:

The Board members stated they were in favor of approving the application for the following reasons:

„« The applicants have redesigned their application in response to both the neighbor's and the Board's concerns

„« The house is located diagonally on the lot, and the front door is not facing the front yard, making it difficult to achieve the setback requirements

„« The proposal is consistent with other properties in the area

„« The applicants have worked to minimize the impact on the surrounding area

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section 185-69 have been met: A) that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant; B) that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive Plan; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section 185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting

the relief, would amount to more than a mere inconvenience.

Application #3660, Irene Urban, 289 Narragansett Avenue, Barrington, RI 02806, applicant and owner, for permission to replace shed; Assessor's Plat 1, Lot 290, R-10 District, 289 Narragansett Avenue, Barrington, RI 02806, requiring dimensional relief from side and rear yard setbacks as well as lot coverage.

Present: Irene Urban, 289 Narragansett Avenue, Barrington, RI

There was no one in the audience to speak for or against this application.

The following item was submitted as an exhibit:

„« Google map photo of the property

Ms. Urban explained that there had been a shed on her property in approximately the same location; however, she had needed to replace it, not realizing that zoning relief was required. She estimates the new shed to be approximately six inches from the side and rear property lines. Because of the size of her lot, the proposed location is the most logical location for the shed, while still providing for the ability to enjoy her yard.

MOTION: Mr. Venuti moved to grant this application. Mr. Rizzolo seconded the motion and it passed by a 4-1 vote, with Mr. Ridlon

dissenting.

DISCUSSION:

The Board members stated they were in favor of approving the application for the following reasons:

„« The location was the most logical location

„« There had previously been a shed in about the same location

„« The location was consistent with other sheds in the neighborhood

Mr. Ridlon stated that he was opposed to approving the application for the following reasons:

„« The shed was located extremely close to the property line which he felt was not the least relief necessary

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section 185-69 have been met: A) that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant; B) that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive Plan; D) that the relief to be granted is the least relief

necessary. Additionally, the standards for a dimensional variance set forth in Section §185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

Application #3661, Mario and Elizabeth Sturla, 12 Third Street, Barrington, RI 02806, applicants and owners, for permission to create a second floor addition, a 24' x 27' two car attached garage and a 8'5" x 4' front porch; Assessor's Plat 3, Lot 12, R-10 District, 12 Third Street, Barrington, RI 02806, requiring dimensional relief for front and side yard setbacks.

Before this matter began, Mr. Speaker recused himself.

Present: Elizabeth Sturla, 12 Third Street, Barrington, RI

There was no one in the audience to speak for or against this application.

The following item was submitted as an exhibit:

„« Minutes of the January 21, 1965 Town Council meeting

Ms. Sturla explained that they are seeking to expand their home in order better to accommodate her family and to create a garage, as there is not currently one on the property. She noted that when the house was originally built, the property had been two separate lots,

with the house centered on one of the lots. However, those lots were merged in accordance with the zoning ordinance in the 1980's. Therefore, the house is located to one side of the property, creating a hardship with the setbacks.

They are seeking to create a second floor addition in order to preserve as much open space on the lot as possible; that addition will not go beyond the present footprint. The proposed garage, while located too close to the front property line, is not as close to the front as is the existing house and is well in line with the characteristics of the surrounding homes.

MOTION: Upon a motion by Mr. Freel, with a second by Mr. Ridlon, the Board voted unanimously (5-0) to grant this application.

DISCUSSION:

The Board members stated they were in favor of approving the application for the following reasons:

„« The surrounding properties are located closer to the front yard setback

„« The house is on merged lots

„« The proposal will be no closer to the side lot line than the existing house

„« The proposal will not appear to be any closer to the front yard setback than existing conditions

„« The proposal is in harmony with the surrounding properties

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section §185-69 have been met: A) that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant; B) that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive Plan; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section §185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

Application #3662, Michelle Tuck, Tuck and Tuck Architects, 29 Old Sugar Road, Bolton, MA 01740, applicants, David and Elizabeth Greenberg, 3 Jones Circle, Barrington, RI 02806, owners, for permission to construct a 3,800 square foot single-family residence; Assessor's Plat 11, Lot 54, R-40 District, 6 Stone Tower Lane, Barrington, RI 02806, requiring relief for being within 100' of a wetlands/waterbody as well as being within the wetlands overlay district.

Before this matter began, Mr. Freel recused himself.

Present: Stephanie Federico, attorney, Anthony DeSisto Law Associates, 450 Veterans

Memorial Pkwy, Suite 103, East Providence, RI

Michelle Tuck, architect, 29 Old Sugar Road, Bolton, MA

Shawn Martin, engineer, Fuss & O'Neill, 317 Iron Horse Way, Providence, RI

In the audience:

Cyndee Fuller, Barrington Conservation Commission

Johannes Nagtegaal, 14 Stone Tower Lane, Barrington, RI

Spofford Woodruff, 29 Apple Tree Lane, Barrington, RI

The following item was submitted as an exhibit:

„« Revised site plan

Mr. Kraig read into the record the recommendation of the Conservation Commission.

Ms. Federico explained that the existing structure had originally been a barn that had been converted into a single-family home. However, due to the nature of the structure, there are many dark areas as well as assorted design difficulties. The homeowners are seeking to demolish the existing building and create a new single-family home.

The new structure would be further away from the wetlands than the current building and the overall footprint would be reduced from 4200 square feet to 3800 square feet. Additionally, new engineering would be completed and rain gardens would be added to improve the drainage on the property and reduce storm water runoff.

Both neighbors spoke in support of the application. Mr. Woodruff noted that he originally had some concerns regarding drainage; however, he felt that those concerns had been addressed with the proposed engineering.

MOTION: Mr. Venuti moved to grant this application with the following conditions:

„« Erosion control and storm water management measures, as proposed on Exhibit CS-102 of application, are to be in place around work areas prior to and during all soil disturbance activities

„« Required maintenance activities for rain gardens, as will be specified in CRMC approval (should it be forthcoming), to be appended to and run with property deed as part of CRMC permit.

Mr. Ridlon seconded the motion and it carried unanimously (5-0).

DISCUSSION:

The Board members stated they were in favor of approving the application for the following reasons:

„« The proposal will improve drainage conditions on the site

„« The existing structure would be extremely difficult to modify

acceptably

„« The new structure will be further from the wetlands than the existing structure

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section §185-69 have been met: A) that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant; B) that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive Plan; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section §185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

MINUTES OF THE PREVIOUS MEETING:

A motion was made by Mr. Venuti and seconded by Mr. Rizzolo to accept the January 19, 2012 Zoning Board of Review minutes as written. The motion carried unanimously (5-0).

ADJOURN:

There being no other business, Mr. Venuti moved to adjourn at 9:08 P.M. Mr. Ridlon seconded the motion and the meeting was adjourned.

Respectfully submitted,

Valerie Carroll, Secretary

Thomas Kraig, Chairman

cc: Andrew Teitz, Solicitor